

REMARKS

The rejection of the several claims under section 112 is believed addressed and overcome, the Applicants having adopted the Examiner's suggestion in their regard.

The Applicants regret the error in citing a prior art document. The Examiner is of course correct in that the Celis document (U.S. Patent 5,846,827) is presently irrelevant. Bodiger et al (U.S. Patent 5,849,827) is the correct cite; This document has been discussed in the present application – see page 3 line 22.

The present invention is directed to a thermoplastic molding composition that contains:

- (A) polycarbonate and/or polyester carbonate,
- (B) a graft polymer,
- (C) and oligophosphate conforming to a formula,
- (D) an anti-drip agent, and
- (E) polyhydroxy ether.

The invention is based on the findings that the incorporation of polyhydroxy ether imparts to the composition a surprising and unexpected improvement in terms of stress cracking (ESC behavior), shorter overall after burn times in the UL94 V test and improved flowability.

The claims stand rejected under 35 U.S.C. 103 (a) said to be unpatentable over Eckel et al's U.S. Patent 6,441,068 (Eckel) in view of Weber et al , U.S. Patent 5,969,016 (Weber) and WO 99/07782 (the '782 document) .

Eckel disclosed a thermoplastic molding composition containing components corresponding to the present (A), (B), (C) and (D). In the referenced composition component (A) includes a mixture of polycarbonate resins differing one from the other in terms of their respective solution viscosities. This is said to result in improved elastic modulus, higher impact strength and better processing of the composition.

Weber disclosed a molding material the components of which correspond to (A), (B) , a phosphorous compound that embraces the present (C) and (E). In addition, per column 6 line 8-12, Weber's composition is required to include a specifically structured copolymer that is composed of at least one vinyl aromatic compound, at least one alkyl acrylate or alkyl alkylacrylate of a mixture thereof (component C₁) and as (C₂) (per column 6 lines 33-35) acrylonitrile or an alkylacrylonitrile or mixtures thereof. Weber's invention is said to be the finding that polyhydroxy ether provides assistance for flame proofing agents based on the phosphorous compound.

The '782 document disclosed a composition containing components corresponding to the present (A), (B),(C) and (D). The invention disclosed in the '782 document relates to finding that the phosphorous compound acts synergistically with an as additionally required inorganic additive resulting in compositions having good stress cracking resistance.

The stated alleging obviousness in view of the cited document is respectfully traversed.

While the components of the instant composition are known their combination as proposed by the Examiner is not suggested by the cited art and is respectfully asserted to be based on impermissible hindsight.

Weber disclosed the beneficial effect that adding polyhydroxy ether to a particular composition has on its flame proofing performance. Specifically, Weber's composition that contains several of the presently relevant components required the further inclusion of the Copolymer the structure of which was referred to above. Weber does not disclose that polyhydroxy ether is effective in any other context and certainly not in the context of a composition that does not contain the Copolymer.

Applicants therefore respectfully assert that a prima facie case of obviousness has not been made by the mere disclosure of the several components included in their inventive composition. Yet even if such case has in fact been made, the surprising and unexpected performance of the inventive composition – see experimental evidence included in the application on page 29 table 1 – clearly rebuts the alleged obviousness and overcomes the rejection sounding under section 103.

The application is requested to be reconsidered and in view of the above withdrawn.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



Aron Preis
Attorney for Applicants
Reg. No. 29,426

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3814
FACSIMILE PHONE NUMBER:
(412) 777-3902
lo/PREIS/ap198